



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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**WILLIAM T FUJIOKA**  
Chief Executive Officer

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June 8, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

**MOTION TO SEND A LETTER TO THE LOS ANGELES COUNTY CONGRESSIONAL DELEGATION URGING THE PASSAGE OF S. 2921 (FEINSTEIN) AND INSTRUCT THE COUNTY'S LEGISLATIVE ADVOCATES IN WASHINGTON, D.C. TO PURSUE THE COUNTY'S POSITION ON THIS BILL (ITEM NO. 69-A – AGENDA OF JUNE 9, 2010)**

Item No. 69-A on the June 9, 2010 Agenda is a motion by Supervisors Ridley-Thomas and Yaroslavsky instructing the Chief Executive Officer to send a letter to the Los Angeles County Congressional Delegation urging the passage of S. 2921 (Feinstein), legislation which would update and expand the landmark environmental protections offered to the deserts of Inyo, San Bernardino, Riverside, San Diego and Imperial Counties by the original California Desert Protection Act of 1994, and instruct the County's legislative advocates in Washington, D.C. to pursue the County's position on the bill.

## Summary

Generally, S. 2921 (Feinstein, D-CA) would amend the California Desert Protection Act of 1994 to: 1) establish or designate national monuments, wilderness areas, a special management area, and off-highway vehicle recreation areas; 2) release specified wilderness study areas; 3) adjust national park and preserve boundaries; and 4) specify land withdrawals, exchanges, and acquisitions. Because there is no specific Board

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policy to support the various provisions within S. 2921, **a position on S. 2921 is a matter for Board policy determination.**

The Chief Executive Office and impacted County Departments have had minimal time to review the 178 page bill, therefore, the complete potential impact of S. 2921 to the County is not fully known at this time.

#### S. 2921 Overview

Existing law, the California Desert Protection Act of 1994: 1) designated the 1.4 million-acre Mojave National Preserve from public lands transferred from U.S. Bureau of Land Management (BLM) to U.S. National Park Service (NPS); 2) added 1.3 million acres to Death Valley from lands transferred from BLM to NPS and designated it a national park; 3) added 234,000 million acres to Joshua Tree from lands transferred from BLM to NPS and designated it a national park; 4) designated 74 new wilderness areas in the California Desert; 5) designated eight wilderness study areas; 6) designated several areas with special features; 7) transferred 20,500 acres of public lands from BLM to the State of California to expand the Red Rock Canyon State Park; and 8) reauthorized several military withdrawals to be managed by the Department of Defense in cooperation with the Department of Interior.

S. 2921, also known as the California Desert Protection Act of 2010, would amend the 1994 Desert Protection Act to designate new lands in the Mojave Desert for conservation, enhance recreational opportunities, and streamline and improve the Federal permitting process to advance large-scale wind and solar development on suitable lands.

Specifically, among other things, S. 2921 would: 1) amend the Wild and Scenic Rivers Act to designate specified segments of rivers and creeks as components of the National Wild and Scenic Rivers System; 2) amend the Energy Policy Act of 2005 to direct the Secretary of the Interior to designate Renewable Energy Coordination Offices (the Offices) in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, and Wyoming for the coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development; and 3) establish a process and procedure for consideration of right-of-way use authorization applications for the construction of wind and solar electricity generation facilities. The Offices would be funded from the existing BLM permit improvement fund, which is currently only available to supervise the permitting for oil and natural gas development.

The legislation would also: 1) require programmatic environmental impact statements analyzing the impacts of the development of solar, biomass, wind, geothermal energy,

and associated electric transmission capacity on BLM lands, National Forest System lands, and on military installations in the Mojave and Colorado Deserts in Arizona, California, and Nevada; 2) require a study analyzing the impacts of a program to develop large-scale renewable electricity generation projects on military installations in the Mojave and Colorado Deserts in California and Nevada; 3) establish the California Desert Mitigation Band Pilot Program under which eligible lands in the California Desert Conservation Area shall be made available as habitat mitigation zones to serve as mitigation for the development of renewable energy projects on non-Federal land; and 4) require a report on the Offices and renewable energy permitting policies and processes in the western states.

The Secretary of Energy is authorized to provide grant funds of up to 50 percent of project costs for the development, construction, and acquisition of advanced electric transmission properties. The bill authorizes \$100 million each year in 2011 and 2012 for this purpose. The legislation requires 25 percent of the revenue generated by new renewable energy projects to return to the state, and 25 percent to local county governments, ensuring that these entities have the resources to support permitting, public lands protection, and local conservation efforts.

S. 2921 designates two new national monuments in the Mojave Desert. The Mohave Trails National Monument would protect approximately 941,000 acres of Federal land, including approximately 266,000 acres of the former railroad lands along historic Route 66. The BLM would be given the authority to conserve the monument lands and also to maintain existing recreational uses, including hunting, vehicular travel on open roads and trails, camping, horseback riding and rock hounding. The Sand to Snow National Monument would encompass 134,000 acres of land from the desert floor in the Coachella Valley up to the top of Mount San Gorgonio, the highest peak in Southern California.

The legislation also adds adjacent lands to Joshua Tree and Death Valley National Parks and the Mohave National Preserve, which includes: 1) 41,000 acres added to Death Valley National Park; 2) almost 30,000 acres added to the Mohave National Preserve; and 3) an additional 2,900 acres added to Joshua Tree National Park in multiple small parcels of BLM land identified for disposal on its periphery. Nearly 76 miles of important four waterways would be protected as Wild and Scenic Rivers, including Deep Creek and Whitewater River in an near the San Bernardino National Forest, and Amargosa River and Surprise Canyon Creek near Death Valley National Park. It designates approximately 250,000 acres of BLM wilderness areas near Fort Irwin that had previously been designated as wilderness study areas until base expansion was completed and designates four existing Off-Highway Vehicle (OHV) areas in the California desert as permanent.

Furthermore, S. 2921 would help cut through the backlog of pending renewable development permit applications with a "use it or lose it" approach to replace the BLM's current "first come-first service" practice by establishing strict deadlines for developers to conduct necessary biological and cultural studies, ensure connection to the grid, and develop a plan for water. It would also expedite the application process for solar development on private lands and establish a pilot mitigation bank program to ensure that it takes no longer to review an application to develop private lands than it does to develop public lands. The BLM, the Forest Service, and the military would be required to complete Environmental Impact Statements on their programs to develop renewable energy on the lands they oversee.

S. 2921 was introduced on December 21, 2009. A hearing on the bill was held in the Senate Committee on Energy and Natural Resources on May 20, 2010. However, no action was taken and the bill remains in Committee.

#### Impact to County Departments

The Department of Parks and Recreation (DPR) indicates that following the passage of the 1994 California Desert Protection Act, the County partnered with the BLM and the County of San Bernardino in the development of El Mirage OHV area located in San Bernardino County to provide additional recreation opportunities to Los Angeles County residents. Upon initial review, DPR indicates that S. 2921 could further these objectives and benefit the County while protecting sensitive desert resources.

Upon initial review, the Internal Services Department (ISD) indicates that the bill limits the available areas eligible for renewable projects and provides funding to cover the costs of developing projects. ISD indicates that this could help subsidize more renewable projects in California and help utilities meet their goals for adding renewable into their portfolios via grants, which would minimize the impact on ratepayers.

The Department of Public Works (DPW) indicates that the Operations Services Division has responsibilities in the installation of maintenance of traffic control devices within road rights-of-way and indicates the impact to their operations is minimal. Although not specifically stated within the bill at this time, DPW indicates that more stringent requirements could potentially be put in place within currently unknown designated land areas. However, upon initial review of the bill, DPW indicates that none of the newly designated land areas provided in the bill are within Los Angeles County. DPW indicates that if designated areas have the same Federal requirements as the National Forest lands within Los Angeles County, the resulting permitting processes can be cumbersome and time consuming. DPW has no recommended position on S. 2921 at this time.

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The Department of Regional Planning (DRP) indicates the area potentially affected by S. 2921 for renewable energy development is in the northeast corner of the County—just south of Edwards Air Force Base and just west of El Mirage (where Lake L.A. would be). DRP indicates that the bill appears to regulate the development of renewable projects on Federal lands which the department does not have direct land use control over. However, DRP is unclear about the criteria for “qualified renewable energy projects”, particularly those located on non-Federal land that could be under the County’s jurisdiction. DRP states that the bill is silent on the proximity of the project to any Federal lands, or any Federal permitting processes for these projects and states that the land use permitting processes need to be clarified within S. 2921 so that there is no Federal preemption on the County’s authority to permit renewable energy projects on private property. If the project has a direct impact on biological resources per the Endangered Species Act, it makes sense to require purchase of land to be set aside for conservation as part of the mitigation measures, and the scope should be limited to that. DRP recommends that the County support S. 2921.

WTF:RA  
EW:er

c: Executive Office, Board of Supervisors  
County Counsel